

**MEMO ENDORSED**

STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

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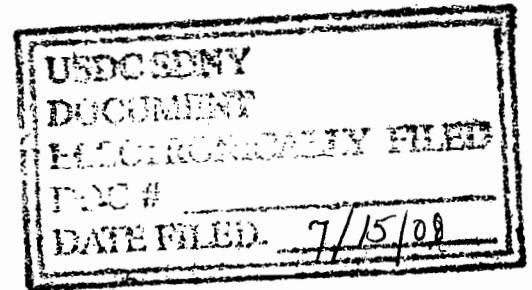
ANDREW M. CUOMO  
Attorney General

CRIMINAL DIVISION  
Federal Habeas Corpus Section

July 9, 2008

**BY REGULAR MAIL**

Honorable Kevin Nathaniel Fox  
United States Magistrate Judge  
Southern District of New York  
United States Courthouse  
500 Pearl St., Room 540  
New York, NY 10007



Re: Richard Pierce v. Superintendent James A. Mance  
08-cv-4736 (LTS)(KNF)

Dear Judge Fox:

I am an Assistant Attorney General in the office of Andrew M. Cuomo, Attorney General of the State of New York, counsel for respondent in the above-referenced matter.

On June 23, 2008, you directed respondent to answer the petition for a writ of habeas corpus in this case by August 1, 2008. Our office has requested the relevant state court records and transcripts from the New York County District Attorney. To date, we have received some of the state court briefs and decisions but we have yet to receive the trial transcript. As a result, I anticipate that it will be difficult for me to review the transcripts and formulate a complete response to the petition by the original due date.

Therefore, I respectfully request an extension of time until October 1, 2008, to respond to the petition. This is respondent's first request for an extension. I have not contacted petitioner concerning this extension request since he is proceeding *pro se* and is incarcerated.

Thank you for your consideration.

7/14/08  
*The milestone dates set forth  
in the Court's June 20, 2008 order are  
enlarged by 30 days.*

SO ORDERED:  
*Kevin Nathaniel Fox*  
KEVIN NATHANIEL FOX, U.S.M.J.

Respectfully submitted,

*Paul M. Tarr*  
Paul M. Tarr  
Assistant Attorney General

Habeas Corpus Section

cc (by U.S. Mail): Mr. Richard Pierce  
07-R-1593  
Marcy Correctional Facility  
P.O. Box 3600  
Marcy, New York 13403